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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/506,835

09/07/2004

Yumin Wei

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DES MOINES, IA 50309-2721

EXAMINER

ANDRAMUNO, FRANKLIN S

ART UNIT

PAPER NUMBER

2424

MAIL DATE

DELIVERY MODE

11/24/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/506,835	<b>Applicant(s)</b> WEI, YUMIN	
	<b>Examiner</b> FRANKLIN S. ANDRAMUNO	<b>Art Unit</b> 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11/05/08.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/05/08 has been entered.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staron (Patent Number 5,805,230) in view of Klarfeld et al (Pub Number 2006/0206912 A1) in view of Knee et al (US 6,769,128 B1). Hereinafter referred as Staron, Klarfeld, and Knee.

Regarding claims 1 and 11, Staron discloses a method and broadband receiver including a receiver/decoder for selectively receiving a broadcast channel capable of installing channels in a broadcast receiver **(Automatic programming tuner (30) in figure 2)**,

**However, Staron fails to include** the use retrieving from all available channels in broadcast network channel-specific information corresponding to selected ones of said categories of preference. Klarfeld, discloses in figure 1 of a preference database (106) which is used to select the programming type for TV users. Also figure 1 discloses a list of TV programs (105) that are given available to clients based on their preferences. Klarfeld also teaches determining a user interest profile **(preference agent ( 110) in figure 24)** based on at least one of: selection of at least of the following categories of preference, Language of a channel and type of a channel **(page 21 paragraph (0250) lines 5-8)**;

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Staron's invention to retrieve channels in a broadcast network. This combination is useful because it allows for programs to be removed before they are displayed.

**However, Staron and Klarfeld fail to include** the method including the steps of: and selection of individual channels wherein a name of said individually selected channels is stored as a category of preference. Knee discloses in **(figure 8)** the selection of programs to add or remove in the favorite channel list. Knee also teaches the properties of said desired channels are incorporated into said categories of preference **(listing by category in figure 19)**, wherein each of said categories includes at least one desired property associated with said category **(Listing by channel in figure 20)**; determining which of said available channels include channel-specific information corresponding to desired properties within each of said categories of preference **(figure 19 includes the channel specific information for each channel displayed)**; and installing a subset of channels that meets the user interest profile from among all of said channels available in said broadcast network **(Pay per view confirmation in figure 24 shows how additional channel can be further installed as the user requests)**.

Therefore, it would have been obvious at the time of the invention to modify Staron and Klarfeld to include the use of a selection of individual channel function. This is a useful combination because a system is capable of automatically include channels in a user's interest profile based on viewing history.

Regarding claim 7, Klarfeld discloses a method as claimed in claim 1, including determining for a plurality of users a respective user interest profile and installing of all

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available channels only a subset that meets at least one of the respective user interest profiles (**Available program info (186) in figure 14**).

Regarding claim 8, Staron discloses a method as claimed in claim 1, including enabling a user to update the user interest profile after installation has been completed (**Update Past User Selection History (215) in figure 18A**), de-installing installed channels that no longer meet the updated user interest profile (**Remove the least relevant record from the past history (221) in figure 18B**), and installing all available channels that meet the updated user interest profile and are not yet installed (**Move this record to past selection history (222) in figure 18B**).

Regarding claim 9, Staron discloses a method as claimed in claim 1, including storing at least part of the user interest profile (**Recording Manager (112) in figure 1**) and using the stored part of the user interest profile to enable user-specific usage of the broadcast receiver after installation (**Program Source Switch (114) in figure 1**).

Regarding claim 10, Staron discloses a method as claimed in claim 7, including using the stored part of the initial user interest profile for selecting and/or ranking programs broadcast or to be broadcast via the installed channels (**Program Ratings (302) in figure 25**).

4. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staron (Patent Number 5,805,230) in view of Klarfeld et al (Pub Number 2006/0206912

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A1) in view of Knee et al (US 6,769,128 B1) in view of Lin (Patent Number 6,934,917B2). Hereinafter referred as Staron, Klarfeld, Knee, and Lin.

Regarding claim 4, Klarfeld discloses a method as claimed in claim 3, wherein the step of retrieving the channel-specific information for all available channels includes for each one of plurality of distinct frequency bands **(Figure 8)**: causing a receiver/decoder **(Router And Formatter (43) in figure 29)** of the broadcast receiver to tune to the frequency band **(page 13 paragraph (0170))**; and extracting, from a stream of digital data broadcast via the band, the channel-specific information for at least one of the channels transmitted in the band. **However, Klarfeld fails to include** the extracting of a stream of digital data via the band. Lin teaches of an option **(delete channel (98) in figure 3)**. Figure 4 also displays a **(Scan all Favorite channels (180))** to determine if channels need to be added or subtracted.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Staron's invention to include the extraction of unnecessary TV programs not suitable to user's interest. This is a useful combination because it saves time to people not willing to search through an entire database of channels.

Regarding claim 5, Staron discloses a method as claimed in claim 3, wherein in the step of retrieving the information includes causing a receiver/decoder **(Router And Formatter (43) in figure 29)** of the broadcast receiver to tune to a predetermined frequency band; and extracting, from a stream of digital data broadcast via the

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predetermined frequency band, the channel-specific information for at least one channel transmitted in a different frequency band.

Regarding claim 6, Staron discloses a method as claimed in claim 3, wherein the broadcast receiver includes at least two receiver/decoders (**Router And Formatter (43) in figure 29**), the method including enabling a user to receive broadcast audio/video signals via an already installed channel (**Channel 1 in figure 29**) using a first one of the receiver/decoders while using a second one of the receiver/decoders (**Channel 2 in figure 29**) to receive the channel-specific information (**Favorite Channel List (95) in figure 3**).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKLIN S. ANDRAMUNO whose telephone number is (571)270-3004. The examiner can normally be reached on Mon-Thurs (7:30am - 5:00pm) alternate Fri off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/  
Supervisory Patent Examiner, Art  
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